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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,260	09/29/2003	Noriyuki Okisu	15162/06210	4624

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SIDLEY AUSTIN LLP  
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EXAMINER
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JERABEK, KELLY L

ART UNIT	PAPER NUMBER
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2622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/04/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/674,260	<b>Applicant(s)</b> OKISU ET AL.	
	<b>Examiner</b> Kelly L. Jerabek	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 15-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Claims 15-21 disclose "A program product in which is stored a program for making a computer perform the steps of: ...". MPEP 2106 states "Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process and a claim for a computer program, without the computer-readable medium needed to realize the computer program's functionality, should be treated as nonstatutory functional descriptive material". Claims 15-21 do not

Art Unit: 2622

claim the computer-readable medium needed to realize the computer program's functionality.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-5 and 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Lloyd-Jones et al. US 2002/0055955.**

Re claims 1 and 15, Lloyd-Jones discloses an image-processing apparatus (201) comprising: a display (214) that displays an image; a selector (203) that selects an image displayed on the display (214); a recorder that adds relevant information (annotation, metadata) to a region (501,503,505) within an image selected by the selector (203) and that then records the relevant information (annotation, metadata) on a recording medium (210); a setter that, when an image to which to add relevant information (annotation, metadata) is selected by the selector (203), initially sets (via face or object detection) a predetermined region (bounding box 503) within the image as a region to which to add the relevant information (annotation, metadata); and a

Art Unit: 2622

changer (203) that changes the region (change the size and position of the bounding box) to which to add the relevant information (annotation, metadata) from the predetermined region initially set by the setter to a region specified by a user (page 2, paragraph 29-page 3, paragraph 31; figures 2 and 5).

Re claims 2 and 16, Lloyd-Jones states that the relevant information is annotated metadata information (page 2, paragraph 29).

Re claims 3 and 17, Lloyd-Jones states that the display (214) displays the predetermined region initially set by the setter (corresponding to face and object detection) and when the changer (203) changes the region to which to add the relevant information (annotation, metadata) to the region (bounding box) specified by the user, changes the displayed region to the region specified by the user (changes the size and position of the bounding box) (page 3, paragraphs 30-31).

Re claims 4 and 18, Lloyd-Jones states that if relevant information (metadata) has already been added to the image (503) selected by the selector (203), the display (214) displays a region (503) to which the already added relevant information is added and the predetermined region (501,505 set according to object and/or face detection) initially set by the setter (page 4, paragraphs 35-36; figure 5).

Art Unit: 2622

Re claims 5 and 19, Lloyd-Jones states that the display (214) displays in different manners the region (503) to which the already added relevant information is added and the predetermined region (501,505) initially set by the setter (page 4, paragraphs 35-36; figure 5).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 6-7 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lloyd-Jones et al. in view of Kiri et al. US 6,154,253.**

Re claims 6-7 and 20-21, Lloyd-Jones discloses all of the limitations of claim 2 above. However, although the Lloyd-Jones reference discloses a setter that initially sets (via face or object detection) a predetermined region (bounding box 503) within the image as a region to which to add relevant information (annotation, metadata) (page 3, paragraphs 30-31) it fails to specifically state that the predetermined region (corresponding to face or object detection) initially set by the setter is a region at a

center of the image or that the predetermined region initially set by the setter is a region used for focus adjustment.

Kiri discloses an imaging device with automatic focusing employing an object detection mechanism. Kiri discloses an objection detection means (35) that specifies a focus evaluation area (41,47) in which an image at the center of the viewfinder (12) is selected for an object detection operation for a focus adjustment of the camera (col. 4, lines 21-40). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the object detection method for focus adjustment as disclosed by Kiri as the method for initially setting a bounding box for adding relevant information to an image signal as disclosed by the Lloyd-Jones reference. Doing so would provide a means for locating and detecting an object in a captured image.

**Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narayanaswami et al. US 6,504,571 in view of Lloyd-Jones et al.**

Re claim 8, Narayanaswami discloses an image taking apparatus (100) comprising: an image sensor that captures an image; a display (126) that displays the image captured by the image sensor; a selector (126) the selects an image displayed on the display (126) which allows a user of the image taking apparatus (100) to annotate each captured image with text descriptions; and a recorder that adds relevant information to a region within an image selected by the selector (126) and that records relevant information (text parameters) on a recording medium (col. 4, line 64-col. 6, line

67). However, although the Narayanaswami reference discloses all of the above limitations it fails to disclose a setter that initially sets a predetermined region within the image as a region to which to add the relevant information and a changer that changes the region to which to add the relevant information.

Lloyd-Jones discloses an image-processing apparatus (201) comprising: a display (214) that displays an image; a selector (203) that selects an image displayed on the display (214); a recorder that adds relevant information (annotation, metadata) to a region (501,503,505) within an image selected by the selector (203) and that then records the relevant information (annotation, metadata) on a recording medium (210); a setter that, when an image to which to add relevant information (annotation, metadata) is selected by the selector (203), initially sets (via face or object detection) a predetermined region (bounding box 503) within the image as a region to which to add the relevant information (annotation, metadata); and a changer (203) that changes the region (change the size and position of the bounding box) to which to add the relevant information (annotation, metadata) from the predetermined region initially set by the setter to a region specified by a user (page 2, paragraph 29-page 3, paragraph 31; figures 2 and 5). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the method of adding relevant information to a predetermined region of an image signal disclosed by Lloyd-Jones in the camera capable of adding annotation information to image signals as disclosed by Narayanaswami. Doing so would provide a means for allowing a user of a camera to add annotation information to certain portions of captured image data using a user interface.



Re claim 9, Lloyd-Jones states that the relevant information is annotated metadata information (page 2, paragraph 29).

Re claim 10, Lloyd-Jones states that the display (214) displays the predetermined region initially set by the setter (corresponding to face and object detection) and when the changer (203) changes the region to which to add the relevant information (annotation, metadata) to the region (bounding box) specified by the user, changes the displayed region to the region specified by the user (changes the size and position of the bounding box) (page 3, paragraphs 30-31).

Re claim 11, Lloyd-Jones states that if relevant information (metadata) has already been added to the image (503) selected by the selector (203), the display (214) displays a region (503) to which the already added relevant information is added and the predetermined region (501,505 set according to object and/or face detection) initially set by the setter (page 4, paragraphs 35-36; figure 5).

Re claim 12, Lloyd-Jones states that the display (214) displays in different manners the region (503) to which the already added relevant information is added and the predetermined region (501,505) initially set by the setter (page 4, paragraphs 35-36; figure 5).

**Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narayanaswami et al. in view of Lloyd-Jones et al. and further in view of Kiri et al.**

Re claims 13-14, the combination of the Narayanaswami and Lloyd-Jones references discloses all of the limitations of claim 9 above. However, although the Lloyd-Jones reference discloses a setter that initially sets (via face or object detection) a predetermined region (bounding box 503) within the image as a region to which to add relevant information (annotation, metadata) (page 3, paragraphs 30-31) it fails to specifically state that the predetermined region (corresponding to face or object detection) initially set by the setter is a region at a center of the image or that the predetermined region initially set by the setter is a region used for focus adjustment.

Kiri discloses an imaging device with automatic focusing employing an object detection mechanism. Kiri discloses an objection detection means (35) that specifies a focus evaluation area (41,47) in which an image at the center of the viewfinder (12) is selected for an object detection operation for a focus adjustment of the camera (col. 4, lines 21-40). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the object detection method for focus adjustment as disclosed by Kiri as the method for initially setting a bounding box for adding relevant information to an image signal as disclosed by the combination of the Narayanaswami and Lloyd-Jones references. Doing so would provide a means for locating and detecting an object in a captured image.

### ***Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is **(571) 272-7312**. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on **(571) 272-7304**. The fax phone number for submitting all Official communications is **(703) 872-9306**. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at **(571) 273-7312**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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